

K Great Brit. Geo III.

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Bill read

23 Jan 1761

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Enacted 1 Geo. III
Public Acts, c. 42

Repairing and Amending the Road leading from
Whitecross, in the Parish of *Leven* in *Holderness*
in the East Riding of the County of *York*, to
the Town of *Beverley* in the said County.



Whereas the Road leading from a certain Place called *Whitecross*, in the Parish of *Leven* in *Holderness* in the East Riding of the County of *York*, to the Two Stone Pillars situate at *Norwood End*, within the Town of *Beverley* in the said East Riding, being Part of the publick Highway leading from the Market Towns of *Bridlington* and *Hornsea*, and most of the other Towns within the North and Middle Divisions of *Holderness* aforesaid, to the said Town of *Beverley*, and from thence to the City of *York* and many other considerable Towns within the said County, is become so very ruinous and bad, that in the Winter and rainy Seasons many Parts thereof are so deep that the same are impassable for Wheel Carriages and dangerous for Travellers; and the same cannot, by the ordinary Course provided by the Laws for Repairing the Highways of this Kingdom, be effectually amended and kept in Repair, unless some further Provision be made for raising Money to be applied for that Purpose:

For

For Remedy whereof, and to the Intent that the said Road may with all convenient Speed be effectually amended and hereafter kept in good and sufficient Repair, so that all Passengers may for the future travel through the same with Safety;

May it please Your MAJESTY,

Trustees Names.

That it may be Enacted; And be it Enacted, by the King's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Mayor, Recorder, and Aldermen of the Town of *Beverley* for the Time being, *Sir Edmund Anderson*, *Sir Griffith Boynton*, *Sir Robert Hildyard*, *Sir Charles Hotbam*, *Sir Digby Legard*, *Sir William Pennyman*, *Sir John Pennington*, *Sir William St. Quintin*, *Sir George Strickland*, Barons, *Sir George Montgomery Metham*, Knight, *Christopher Appleyard*, *Ramsden Appleyard*, *Thomas Acklam*, *Robert Appleton*, *Francis Boynton*, *Griffith Boynton*, *Hugh Bethell*, *William Bethell*, *Francis Best*, *William Burton*, *Richard Burton*, *Robert Burton*, *Thomas Broadley*, *Richard Beatniffe*, Colonel *Ralph Burton*, *Francis Best*, Clerk, *Thomas Barker*, Clerk, *James Barry*, *Henry Beane*, *William Berryman*, *John Bowman*, *John Brough*, *William Brough*, *Christopher Spencer Breary*, Clerk, *William Constable*, *Marmaduke Constable*, *Marmaduke Constable the younger*, the Reverend *Cotes*, *John Cayley*, Clerk, *John Courtney*, *William Creyke*, *John Consitt*, *Eaton Mainwaring Ellerker*, *Henry Etherington*, *Ralph Featherstone*, *Francis Fisher*, *Roger Gee*, *William Gee*, *Christopher Goulton*, *John Greame*, *John Grimston*, *James Grayburn*, *Thomas Hassel*, *Robert Darcy Hildyard*, *James Heblethwaite*, *Mann Horsfield*, *Benjamin Hudson*, *Thomas Hudson*, *Hudson*, *William Hunter*, *John Holme*, Clerk, *Matthew Harland*, *Randolphus Hewitt*, *John Hewitt*, *Marmaduke Jackson*, *John Johnston*, *Robert Legard*, *Robert Lambert*, Clerk, *William Lister*, *Henry Maister*, *Nathaniel Maister*, *Bacon Morritt*, *Robert Midgley*, *Jonathan Midgley*, *John Moorhouse*, *Richard Milner*, *Henry Munby*, *Richard Manby*, *Michael Newton*, *Thomas Norcliffe*, *William Nelson the younger*, *William Osbaldeston*, *Fountain Wentworth Osbaldeston*, *George Osbaldeston*, *Charles Pelham*, *Ralph Pennyman*, *James Pennyman*, *Charles Poole*, *William St. Quintin*, *John Rickaby*, *John Robinson*, *Shermar Rooksby*, *Storr*, *Walter Strickland*, *William Strickland*, *William Thornton*, *William Tomlinson*, Clerk, *Joseph Thompson*, *William Territt*, Clerk, *Warton Warton*, *Henry Willoughby*, *William Wilberforce*, *George Wilford*, *Thomas Wakefield*, Clerk, *William Wilberforce the younger*, *Henry Waterland*, *Thomas Wilson*, *Robert Wilberforce*, *William Waines*, *Thomas Walker*, *Charles Witty*, *James Young*, Clerk, shall be, and they are hereby nominated and appointed Trustees for the surveying, ordering, amending, and keeping in Repair the said Road; and also for putting in Execution all other the Powers in and by this Act given; and that they and the Survivors of them, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, at any Meeting to be had, as herein after is mentioned and directed, shall authorize and appoint, shall and may erect, or cause to be erected, a Gate or Gates,

Turnpike or Turnpikes, in, upon, or cross any Part or Parts of the said Road, and also a Toll-house or Toll-houses, in or upon the same; and shall demand and take the Tolls and Duties following, before any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Hearse, Litter, Waggon, Wain, Cart, or other Carriage whatsoever, shall be permitted to pass through the same; that is to say, For every Coach, Chariot, Landau, Berlin, Chaise, Calash, or Hearse drawn by Six Horses, Mares, Geldings; or Mules, One Shilling and Six Pence; drawn by Three or Four Horses, Mares, Geldings, or Mules, One Shilling; drawn by Two Horses, Mares, Geldings, or Mules, Nine Pence; drawn by One Horse, Mare, Gelding, or Mule, Six Pence: And for every Waggon, Wain, Cart, or Carriage, the Fellies of the Wheels thereof being of the Breadth of Nine Inches, and drawn by Five or more Horses, Mares, Geldings, Mules, or other Beasts of Draught, the Sum of One Shilling; and drawn by Three or Four Horses, Mares, Geldings, Mules, or other Beasts of Draught, the Sum of Eight Pence; and by Two Horses, Mares, Geldings, Mules, or other Beasts of Draught, Six Pence; and by One Horse, Mare, Gelding, Mule, or other Beast of Draught, the Sum of Four Pence: For every other Waggon, Wain, Cart, or Carriage drawn by Three or Four Horses, Mares, Geldings, or other Beasts of Draught, One Shilling; and drawn by Two Horses, Mares, Geldings, or Beasts of Draught, Nine Pence; and drawn by One Horse, Mare, Gelding, or Beast of Draught, Six Pence: For every other Carriage not herein before charged, One Shilling: For every Horse, Mare, Gelding, Mule, or Ass laden or unladen, and not drawing, One Penny Half-penny; provided that every Mare and Foal shall pay the Toll as One Horse: For every Drove of Oxen or other Neat Cattle, the Sum of Ten Pence *per Score*, and so in Proportion for any greater or lesser Number: For every Drove of Calves, Swine, Sheep, or Lambs, Five Pence *per Score*, and so in Proportion for any greater or lesser Number: **Provided always**, That no Person or Persons passing through any of the Gates or Turnpikes to be erected by virtue of this Act with any Coach, Chariot, Landau, Berlin, Calash, or Hearse, or with any Waggon, Wain, Cart, or any other Carriage, or with any Horse, Mare, Gelding, Mule, Ass, Swine, Sheep, or other Cattle, having paid Two Thirds of the Tolls or Duties hereby directed to be paid and taken for passing through all the Gates or Turnpikes to be erected in pursuance of this Act, and which said Two Thirds the several Collectors are hereby impowered and directed to take, and having a Note or Ticket, Notes or Tickets, denoting the Payment of such Two Thirds; and which Note or Ticket, Notes or Tickets, the several Collectors are hereby impowered and directed to give *Gratis*, shall on the same Day be obliged to pay any more than One Third of the Tolls or Duties for passing through all or any of the other Turnpikes or Toll-gates to be erected by virtue of this Act with the same Coach, Chariot, Landau, Berlin, Chaise, Calash, or Hearse, or with any Waggon, Wain, Cart, or other Carriage, or with any Horse, Mare, Gelding, Mule, Ass, Swine, Sheep, or other Cattle; any thing herein contained to the contrary notwithstanding.

The Tolls.

Third Part of
Tolls to be ta-
ken at first
Gate.

Which

Which said respective Sum and Sums of Money shall be demanded and taken in the Name of or as a Toll and Duty; and the Money so to be raised and collected is and hereby shall be vested in the said Trustees and the same and every Part thereof shall be paid, applied, and disposed of, or assigned to and for the several Uses, Intents, and Purposes, and in such Manner as is herein after-mentioned and declared: And it shall and may be lawful to and for the said Trustees, or any Seven or more of them, and such Person or Persons as they, or any Seven or more of them, at any such Meeting to be had as aforesaid, shall under their Hands and Seals from time to time nominate and appoint, to levy the Tolls and Duties hereby laid and required to be paid upon any such Person or Persons who shall (after Demand thereof made) neglect or refuse to pay the same as aforesaid, by Distress of any Horse or Horses or other Cattle or Goods, upon or for which such Toll or Duty is by this Act imposed and made payable; or by Distress of any other of the Goods of such Person or Persons who ought to pay the same, and detain and keep such Goods until such Toll or Duty, with the reasonable Charges of such distraining and keeping shall be paid: And it shall and may be lawful to and for such Person and Persons so distrained after the Space of Four Days after such Distress made and taken, to deliver the Goods so distrained and taken, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Toll, Duty, and reasonable Charges for distraining and keeping the same shall be deducted and paid.

Penalty on permitting private Passage to avoid Payment.

And be it further Enacted, by the Authority aforesaid, That if any Person or Persons whatsoever, owning, renting, or occupying any Land or other Tenements near to any Turnpike Gate or Bar which shall be erected in pursuance of this Act, shall knowingly or willingly suffer any Person or Persons whatsoever to pass through any Gate, Passage, Way with any Coach, Chaise, Chariot, Landau, Berlin, Calash, Chaise, Hearse, Waggon, Wain, Cart, Carriage, Horse, Mule, or Ais, or any sort of Cattle, whereby the Payment of any of the Tolls or Duties hereby laid is or shall be fraudulently avoided, every such Person and Persons so offending, and being thereof convicted upon Oath before the said Trustees, or any Five or more of them (which Oath the said Trustees or any Two or more of them, are hereby empowered to administer) before any One or more Justice or Justices of the Peace of the East Riding of the said County of York, or One or more Justice or Justices of the Peace of the Town and Corporation of Beverley aforesaid, as the Offence shall happen to be committed within their respective Jurisdictions (which Oath the said respective Justice or Justices of the Peace of the said Riding and Town and Corporation are hereby also empowered to administer) shall for every such Offence forfeit and pay to the said Trustees hereby authorized to put this Act in Execution, or to the Treasurer for the Time being appointed by the said Trustees, the Sum of Twenty Shillings; which Sum (in case the same be not forthwith paid) shall be levied by Distress and Sale of the Offender's Goods.

der's Goods by Warrant, under the Hand and Seal; or Hands and Seals of the said Trustees, or any Five or more of them, or of the said respective Justice or Justices, rendering the Overplus (if any be) to the Owner on Demand, after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Trustees, or any Seven or more of them, or by the said respective Justice or Justices.

And be it further Enacted, by the Authority aforesaid, That if any Person or Persons whatsoever, owning, driving, or riding any such Coach, Chaise, Chariot, Landau, Berlin, Calash, Chair, Hearse, Waggon, Wain, Cart, Carriage, Horse, Mule, or As, or any sort of Cattle respectively, shall therewith pass through any Gate, Passage, or private Way near to any such Turnpike Gate or Bar, with Intent to avoid Payment of the Tolls or Duties by this Act laid, or any of them; or if any Person or Persons shall unload, or cause to be unladen, any sort of Goods or Merchandize at or before he, she, or they shall come to any of the Tolls aforesaid; or shall put or leave in any House or Place any Coach, Berlin, Landau, Chariot, Chaise, Chair, Hearse, Waggon, Wain, Cart, Carriage, Horse, Mule, or As, or any other Cattle chargeable with the said Tolls or Duties, or any of them, with such Intent as aforesaid; each and every Person so offending in any of the Cases aforesaid shall Gates or Turnpikes to be erected by virtue of this Act; or shall conceal or secrete any Goods or other Things chargeable with any the forfeit and pay to the said Trustees hereby appointed or to be appointed, as herein after is mentioned, or to the Treasurer of the said Trustees for the Time being, the Sum of Twenty Shillings.

And on Persons going or unloading Goods, &c. to avoid Payment.

Provided always, and it is hereby Declared and Enacted, That during the Continuance of this Act all Coaches, Berlins, Landaus, Chariots, Chaises, Chairs, or Litters, and Passengers on Horseback, shall pass Toll-free on the Day or Days on which there shall be an Election for a Knight or Knights of the Shire to serve in Parliament for the County of York, or of a Burgess or Burgesses to serve in Parliament for the said Town of Beverley, and on the Day before and Day after such Election, either going to or returning from such Election; any thing herein contained to the contrary thereof notwithstanding.

No Toll on Election Days.

And be it further Enacted, by the Authority aforesaid, That the said Trustees at their First Meeting, or any Seven or more of them then present, or at any succeeding Meeting to be had as aforesaid, by Writing under their Hands and Seals (without any Stamp thereupon) shall and may choose and appoint One or more fit Person or Persons to be Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of the Tolls or Duties aforesaid; and also One or more fit Person or Persons to be Surveyor or Surveyors to view the Condition of the said Road, and to see that the Money by this Act to be raised is duly applied: And the said Trustees, or any Seven or more of them, at the same or any succeeding Meeting to be had as aforesaid, shall and may also appoint all such other Officers as shall be necessary for putting this Act in Execution,

Trustees may appoint Officers, remove them, and appoint new ones.

Officers to ac-
count on Oath.

cution, and from time to time may remove such Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they shall see Occasion, and appoint new ones in case of such Removal, or of the Deaths of any of them respectively; and such Person or Persons as is or are by this Act made liable to pay the Tolls or Duties hereby granted, shall pay the same, after the Rates aforesaid, to such Receiver or Receivers, Collector or Collectors, as shall from time to time be appointed to receive such Tolls and Duties; and the Person and Persons so appointed as aforesaid shall upon Oath, if thereto required by the said Trustees, or any Seven or more of them, before the said Trustees, or any Seven or more of them, or before One or more Justice or Justices of the Peace of the said Riding or Town and Corporation of *Beverley* aforesaid (which Oath the said Trustees, or any Two or more of them, or such Justice or Justices, is and are hereby impowered to administer) on the First *Monday* in every Month during the Continuance of this present Act, give in a true, exact, and perfect Account in Writing, under their respective Hands, of all the Money which he and they, and every or any of them, shall to such Time have received, paid, and disbursed by virtue of this Act, or by reason of his or their respective Office or Offices; for which Oath no Fee or Reward shall be taken, but the same may be taken in Writing without any Stamp thereon: And in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall, by any Writing or Writings under their Hands, authorize and impower to receive the same, and shall be disbursed and laid out in amending the said Road, and for other necessary Purposes relating thereto, according to the true Intent and Meaning of this Act, and not otherwise: And the said Trustees, or any Seven or more of them, at any such Meeting to be had as aforesaid, shall and may, out of the Money arising by the said Tolls or Duties, make such Allowance to the Receiver or Receivers, Collector or Collectors, Surveyor and Surveyors, and to such other Officers as shall be so appointed as aforesaid, for and in Consideration of his and their Care and Pains respectively taken in the Execution of his and their respective Office and Offices, as to the said Trustees, or any Seven or more of them, shall seem good; and in case the said Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the aforesaid Tolls or Duties so to be paid as aforesaid, or any of them, or other Person or Persons concerned, shall not give and make such Account and Payment as the said Trustees, or any Seven or more of them, or the said Justice or Justices, shall order and direct or require, that then any Two or more Justices of the Peace of the said Riding, at any Special or other Sessions to be holden for the said Riding, or any Division in which the said Road doth lie, or any Two or more Justices of the Peace for the said Town and Corporation of *Beverley*, and in which the said Receiver or Receivers, Collector or Collectors, or other Person or Persons hath or have acted or been employed, and made such Default as aforesaid, shall make Inquiry of or concerning such Default, as well by Confession of the

Trustees to ap-
point Officers Sa-
laries.

Officers not ac-
counting and
making Payment
to be

Parties themselves, as by the Testimony of One or more credible
Jes or Witnesses upon Oath. (which Oath the said respective Jus-
are hereby impowered and required to administer without Fee or
ard); and if any Person or Persons shall be thereof convicted by such
ces, they shall upon such Conviction commit the Party or Parties
tending to the common Gaol of the County of York, or to the
mon Gaol of the said Riding, or of the said Town and Corpora-
of Beverley, as the respective Jurisdictions of the said respective Jus-
shall require, and they shall respectively think fit, there to remain
out Bail or Mainprize until he or they shall have made a true and
Account and Payment as aforesaid.

And be it further Enacted, by the Authority aforesaid, That the Trea-
or Treasurers, Surveyor or Surveyors, Receiver or Receivers, Collec-
Collectors, to be appointed by virtue and in pursuance of this Act,
before he or they enter upon their said Offices respectively, give Se-
for the due Execution thereof to the said Trustees, or any Seven or
of them, as to the said Trustees, or any Seven or more of them, shall
meet.

Officers to give
Security.

And be it further Enacted, by the Authority aforesaid, That it shall and
be lawful to and for the said Surveyor or Surveyors, and such Per-
and Persons as he or they shall appoint, to dig, gather, take, and car-
away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, out
any Waste or Common, or out of the River *Humber*, or on any of the
es thereof, except the Shore there, called *Paul Shore*, or within the
ries of *Paul* aforesaid, or out of any River or Brook of or in any Pa-
Town, Village, or Hamlet, in or near which the said Highway or Road
lie, as shall be proper for repairing and amending the said Road, with-
paying any thing for the same, such Surveyor or Surveyors levelling, or
ing to be levelled, all such Holes and Pits where any such Materials as
said shall be digged, gathered, or taken, and from whence the same
be carried away; and where there is not sufficient of such Materials
ny such Commons and waste Grounds as aforesaid, it shall and may be
ful to and for such Surveyor or Surveyors, by Order of the Trustees, or
Seven or more of them, at any such Meeting to be had as aforesaid,
g and gather the same out of the several Grounds of any Person or
ons (not being the Ground whereon any House or Houses stand, Gar-
Orchard, Yard, Park, planted Walk or Walks, or Avenue to an
le, or any Piece or Parcel of Ground set apart and used as a Nursery
Trees) where any such Materials are or may be found; and from time
me to carry away such and so much thereof, as the said Surveyor or
eyors in their respective Places shall judge necessary for repairing and
ending the Road aforesaid, paying such Rates for such Materials, and for
Damage done to the Owners and Occupiers respectively of the Grounds
re and from whence the same shall be digged, gathered, or carried
y, or over which the same shall be carried, as the said Trustees appoint-
to be appointed to put this Act in Execution, or any Seven or more
of

Power to get
Materials in
waste Ground or
Rivers without
Payment.

And in private
Grounds, mak-
ing Satisfaction.

Justices to deter-
mine Differences.

of them, at any such Meeting to be had as aforesaid, shall judge reason-
And in case of any Difference concerning the same, between such Owners
or Occupiers and the said Trustees, touching such Damages as aforesaid
the Justices of the Peace for the said East Riding or for the said Town and
Corporation of *Beverley*, according as the Grounds from whence such
materials shall be digged, gathered, and carried away, or where such Damage
shall be done as aforesaid shall happen to lie within their respective Juris-
dictions, at their respective General Quarter-Sessions, or the major Part of
Justices then present, shall and may adjudge, assess, and finally determine
the same.

Power to remove
Annoyances,

turn Water-
courses, cut and
lop Trees, &c.

And be it further Enacted, by the Authority aforesaid, That it shall
may be lawful to and for the Surveyor and Surveyors, and such Persons
Persons as he or they shall appoint (by the Direction of the said Trustees
or any Seven or more of them, under their Hands) at any such Meeting
to be had as aforesaid, from time to time to remove and prevent all Annoy-
ances on or in any Part of the said Road by Filth, Dung, Ashes, Rubbish,
or otherwise; and to turn any Watercourses, Sinks, or Drains, run-
into, along, or out of the said Road to the Prejudice thereof, and to close
any Ditch or Watercourse adjoining to the said Road, and to amend, re-
pair, or remove all Cloughs, and to cut down, lop, and top any Trees
(other than and except Timber Trees) or Bushes growing in the said Road
or the Banks or Hedges adjacent thereto, and to take and carry away the same
(in case the Owners or Occupiers of the Premises, where such Annoy-
ances as aforesaid shall happen to be, shall neglect to cut down, or re-
move the same for the Space of Ten Days next after Notice in Writing
shall be given for that Purpose, under the Hands of the said Trustees, or
Seven or more of them) the Charges whereof shall be reimbursed to the
said Surveyor or Surveyors by such Owners or Occupiers neglecting to
cut down such Trees or Bushes, or to remove such other Annoyances
aforesaid; and if after Removal of any of the said Annoyances by any
Person or Persons shall again offend in the like Kind, every such Person
Persons so offending, and being thereof convicted upon the Confession of
the Party offending, or upon Oath of One or more credible Witnesses
Witnesses, before any One or more Justice or Justices of the Peace for
the said East Riding or for the said Town and Corporation of *Beverley*,
according as the Offence shall happen to be committed within their re-
spective Jurisdictions (which Oath the said respective Justice and Justices
are hereby impowered to administer) shall for every such Offence be
and pay unto the said Trustees the Sum of Twenty Shillings.

Causeways may
be made, &c.

And be it further Enacted, That it shall and may be lawful to and for
the said Surveyor or Surveyors, and such Person and Persons as they
appoint, by Order of the said Trustees, or any Seven or more of them, at
any such Meeting to be had as aforesaid, to make, or cause to be made,
Causeways, and to cut and make Drains through any Grounds lying ad-
jacent to the said Road, and to make and erect Arches or Bridges of Timber,
or Stone upon the said Road, and to divert and turn the

Road over any Part of the Commons or waste Ground contiguous or adjoining thereto, or through which the said Road doth now lead; and also to widen any of the narrow Parts of the said Road, by opening, clearing, or laying into the same, any Ground of any Person or Persons lying contiguous thereto (not being the Grounds whereon any House or Houses stand, or a Garden, Orchard, Park, planted Walk, or Avenue to an House already planted); and also to cause Ditches or Trenches to be made in such Manner as such Surveyor or Surveyors, by Order of the Trustees, or any Seven or more of them, at any such Meeting to be had as aforesaid shall judge necessary for the better amending and keeping the Road aforesaid in good Repair, making such reasonable Satisfaction to the Owners and Occupiers of such Ground respectively as shall be so laid into or made Part of the said Road, or through which any such Drain or Drains shall be cut, or on which any such Arch or Arches, Bridge or Bridges shall be made, for the Damages which such Owners or Occupiers shall or may thereby sustain, as shall be adjudged by the said Trustees, or any Seven or more of them, at any such Meeting to be had as aforesaid; and in case any Difference shall happen between such Owners or Occupiers and the said Trustees, touching such Damages, that then it shall and may be lawful to and for the said respective Justices of the Peace of the said East Riding or Town and Corporation of *Beverly* in whose respective Jurisdictions such Damages shall be done, at their next General Quarter-Sessions to be holden for the said Riding or Town and Corporation of *Beverly* respectively, or the major Part of such Justices then present, to hear, settle, adjudge, and finally determine the same; and if any Owner or Owners, Occupier or Occupiers of any Watercourse or Watercourses, Ditch or Ditches adjoining to the said Road, shall neglect or refuse to scour and cleanse such Watercourse or Watercourses, or to make such Ditch or Ditches so deep, and in such Manner as the Surveyor or Surveyors appointed or to be appointed by virtue of this Act shall from time to time adjudge proper and convenient, after Ten Days Notice shall be given for that Purpose by such Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, to such Owner or Owners, Occupier or Occupiers, it shall and may be lawful to and for such Surveyor or Surveyors, to set any Man or Men at Work, to scour, cleanse, or deepen the same; and by Warrant from any Seven or more of the said Trustees to levy the Charge thereof upon the Persons, Goods, or Estates of the Owner or Owners, Occupier or Occupiers of such Watercourse or Watercourses, Ditch or Ditches, by Distress and Sale of his, her, or their Goods and Chattels, rendering the Overplus (if any be) after all Charges of such Distress and Sale thereout deducted, to the Owner or Owners, Occupier or Occupiers, when by him, her, or them demanded.

and Road widened.

In case of Difference Justices to determine.

Owners neglecting to cleanse Watercourses, Surveyors to direct it to be done

And whereas the passing of many Coaches, heavy Carriages, and Drovers of Cattle upon the said Road, as soon as the same shall be amended and repaired (especially in wet Weather) will be very detrimental to the same, Be it therefore Enacted, by the Authority aforesaid, That it shall and may be lawful to and for such Surveyor or Surveyors as shall be appointed

Power to set up temporary Bars.

as aforesaid by the said Trustees, or any Seven or more of them, to erect such Bar or Bars, Hedge or Hedges, or other Fence, across the said new made Road, at the Beginning and End of every Mile, or any other Part or Parts of the said new made Road, leaving Room for Coaches and Carriages to pass by each other; which said Bar or Bars, Hedge or Hedges, or any other Fence, shall so remain for any Time not exceeding One Month for the draining and settling the said new Road; and all such Coaches, Carriages, Drovers of Cattle, and Passengers, shall be obliged to go in the old Tracks during that time; and that all Persons may have due Notice thereof, the Surveyor or Surveyors so appointed as aforesaid, shall, and they are hereby required, from time to time (as the said new Work is carrying on) to fix, or cause to be affixed, written or printed Papers for that Purpose, at every Gate or Gates, Turnpike or Turnpikes, and all other public Places on the said Road for that Purpose, and shall give sufficient Orders to such Collector or Collectors as shall attend to open the Gates or Turnpikes, to give Notice thereof to Passengers: And if any Person or Persons shall pull down, take away, or destroy the said Bar or Bars, Hedge or Hedges, or such other Fence as shall be made, or shall ride or drive over the Ditch or Ditches to be made on each Side the said Road, or any Part thereof as shall be made for the Security and Preservation of the said Road, such Person or Persons shall forfeit and pay the Sum of Ten Shillings; and in case of Non-payment, the same shall be recovered, levied, and disposed of as any other Penalty or Forfeiture is by this Act directed to be recovered, levied, and disposed of.

Trustees may
borrow Money on
giving Notice.

And, forasmuch as the Money so to be collected by the Receipts of the said Tolls or Duties by this Act laid and made payable as aforesaid will not at present be sufficient for the speedy repairing the said Road, **Be it further Enacted**, by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at any such Meeting to be had as aforesaid, shall and may, and they are hereby impowered, from time to time, by any Writing or Writings (without any Stamp to be impressed thereon) under their Hands and Seals, to assign over the said Tolls and Duties to arise by virtue of this Act, or any Part thereof (the Costs and Charges of assigning or mortgaging the same to be borne and paid out of such Tolls and Duties) for any Time or Term for which the same are hereby made payable, or any Part of such Time or Term, as a Security for any Sum or Sums of Money by them to be borrowed for that Purpose, to such Person or Persons or their Trustees who shall advance and lend the same, to secure the Repayment thereof, with such Interest as shall be agreed upon, not exceeding Five Pounds *per Centum per Annum*; which said Money so to be borrowed, shall be applied and disposed of as the said Tolls or Duties by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever; but no Money shall be borrowed by the said Trustees, on the Credit of the Tolls hereby granted, after their First Meeting, unless Notice in Writing, under the Hand of the Clerk of the said Trustees be for that Purpose fixed upon all the Turnpike Gates which shall be erected by virtue of this Act, at least Fourteen Days before the borrowing such Money.

And be it further Enacted, by the Authority aforesaid, That a Memorial or Abstract of all and every Mortgage and Mortgages, Assignment and Assignments, so to be made by the said Trustees as aforesaid, containing the Date, Parties, and Sum of Money therein mentioned, and the Name or Names of the Witness or Witnesses thereto, shall be entered in a Book or Books to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers to the said Trustees; which said Book or Books shall and may be seen and perused, at all seasonable Times, by any Person or Persons whomsoever, without Fee or Reward.

Memorials of Securities to be entered.

And be it also further Enacted, by the Authority aforesaid, That all and every Person or Persons to whom any Mortgage or Mortgages, Assignment or Assignments, shall be made by the said Trustees, or any Seven or more of them, as a Security for any Sum or Sums of Money by any Person or Persons lent and advanced on the Credit and for the Purposes mentioned in this Act, or who shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignment to be indorsed on the Back of his, her, or their Security or Securities, or by any other Writing or Writings under his, her, or their Hands and Seals (without any Stamp thereon) to be duly executed in the Presence of Two or more credible Witnesses, assign or transfer the same Security or Securities, and all Benefit and Advantage thereof, and all his, her, or their Right, Title, and Interest to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers, to the said Trustees, within Three Months next after the Date thereof, who shall cause such a Memorial or Abstract thereof, as is herein before directed to be made and entered in the said Book or Books to be kept for entering the said original Mortgage or Mortgages, Assignment or Assignments, to be made by the said Trustees; and for which such Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Two Shillings, and no more; and after such Entry made, such Assignment shall intitle such Assignee, or any subsequent Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee may, in like Manner, assign again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons who shall make such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

Securities may be assigned.

And it is hereby further Enacted, by the Authority aforesaid, That the several Tolls and Duties granted and made payable by this Act, and the Rents and Sums of Money to be raised, borrowed, and taken up upon any Mortgage or Security of the Tolls and Duties, in pursuance and upon the Credit of this Act, shall be applied and disposed of in the First Place for the paying and defraying the Charges and Expences attending the Application for and obtaining this present Act, and afterwards for the amending, repairing, and keeping in Repair the said Highway and Road hereby directed and appointed to be repaired and amended; and also for keeping down,

Application of Tolls.

down, paying off, and discharging the Principal Money to be borrowed and taken up by virtue and upon the Credit of this present Act, in such Manner as to the said Trustees and their Successors at their respective Meetings, or any Seven or more of them, shall seem requisite and expedient.

Tickets to be given, and Tolls paid but once a Day.

Provided always, and it is hereby Declared, That no Person or Persons, having Occasion to pass the Place or Places where the Toll or Duty is or shall be taken, and who shall return the same Day before Twelve of the Clock in the Night with the same Coach, Berlin, Chariot, Landau, Calash, Chaise, Chair, Hearse, Litter, Waggon, Wain, Cart, or other Carriage, Horse, Gelding, Mare, Mule, Ass, or any sort of Cattle for which such Toll or Duty has been paid, shall be liable or compelled the same Day to pay the same Toll or Duty more than once.

Penalty on disposing of Tickets to avoid Payment

And, for preventing Frauds and Abuses in the said Tolls or Duties, Be it further Enacted, by the Authority aforesaid, That if any Person or Persons having paid the Toll or Duty by this Act laid, and having such Note or Ticket, Notes or Tickets, as is and are hereby directed to be given, shall give or dispose of the same to any other Person or Persons, in order to avoid the Payment of the said Toll or Duty, every such Person, so giving or disposing of such Note or Ticket, Notes or Tickets, and the Persons receiving the same, being thereof convicted upon Oath before the said Trustees, or any Seven or more of them, or before One or more Justice or Justices of the Peace for the said Riding or Town and Corporation of *Beverley*, as the Offence shall happen to be committed in their respective Jurisdictions (which Oath the said Trustees, or any Two or more of them, or the said respective Justice or Justices, is and are hereby empowered to administer) shall respectively forfeit and pay the Sum of Twenty Shillings, to be levied, recovered, and disposed of as any other Penalty or Forfeiture is directed to be levied, recovered, and disposed of by this Act.

Persons and Things exempted from Toll.

Provided always, and it is hereby Declared and Enacted, by the Authority aforesaid, That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid, who shall pass through any of the Turnpikes which shall be erected by virtue of this Act with any Horse, Mare, Gelding, Mule, Ass, Waggon, Cart, or other Carriage, which shall carry or draw any Quantity of Stones, Gravel, or other Materials for repairing the said Road, or for amending any of the Highways in the Parishes or Townships in which the said Road by this Act intended to be repaired doth lie; or which shall carry or draw any Lime, Dung, Mould, or Compost of any Nature or Kind whatsoever, for Manuring of Lands or Gardens within such Parishes, Places, or Townships; nor shall any of the Tolls or Duties aforesaid be demanded or taken for any Horses, Mares, Carts, Wains, Waggon, or other Carriages carrying any Hay, Straw, or Corn in the Straw, to be laid up in the Houses, Outhouses, Garths, or Barns of or belonging to the respective Inhabitants of the several Parishes, Townships, or Places in which the said Road hereby intended to be repaired doth lie; nor

nor for any Ploughs, Harrows; or other Implements of Husbandry, or any other Things whatsoever belonging to or employed by such Inhabitants respectively in Husbandry, or Manuring of Lands lying within such Parishes, Townships, or Places; nor shall any of the Tolls or Duties hereby laid be demanded or taken from any Person or Persons who shall pass through the said Turnpikes or Cross-gates to and from Church, Chapel, or other Place of religious Worship on *Sundays*, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes; nor for any Horses, Geldings, Mares, or Cattle going to or returning from Pasture or Watering Places belonging to such Parishes, Townships, or Places, or any of the neighbouring Inhabitants; or for such Horse, Mare, or Gelding as is or shall be used only to ride on by the Owner or Driver of any such Waggon, Cart, or other Carriage, as shall have paid any of the Tolls or Duties aforesaid, provided such Horse, Gelding, or Mare pass through the Turnpike where such Tolls or Duties were paid with such Waggon, Cart, or Carriage; nor shall any Toll or Duty be demanded or taken for the Horses of Soldiers passing who are upon their March; or for Carts, Carriages, or Waggon attending them; or laden with their Arms or Baggage; or for Horses, Carts; or Waggon travelling with Vagrants sent by legal Passes.

Provided always, and be it further Enacted, by the Authority aforesaid, That all and every Person and Persons who by Law is and are chargeable towards the repairing and amending the Road hereby intended to be repaired, shall still remain chargeable with and do their respective Statute-works in the said Parishes, Townships, or Places wherein the said Road doth lie, in such Manner as the same ought to have been done in case this Act had not been made.

Persons liable to repair the Road to continue so.

And, for preventing Differences which may arise between the said Trustees and such Surveyors of the Highways as shall be appointed for the several Parishes or Places through which the said Road doth lead, touching what Part of the Statute-work ought to be done on the Road by this Act directed to be repaired lying in any Parish or Place; **Be it further Enacted,** by the Authority aforesaid, That it shall and may be lawful to and for any Two or more of the Justices of the Peace of the said East Riding, or of the Town and Corporation of *Beverley* aforesaid, within their respective Jurisdictions, at any Petty or Special Sessions of the Peace, upon Application made to them by the said Trustees, or any Seven or more of them, to adjudge and determine what Part or Proportion of the Statute-work shall be done in the Road aforesaid by the Inhabitants of each or any of the Parishes, Townships, Hamlets, or Places in which the said Road hereby directed to be amended doth lie.

Justices to determine Statute-work.

And, to the End that the said Statute-work, so to be appointed and determined to be done on the said Road as aforesaid, may be duly performed, **Be it further Enacted,** by the Authority aforesaid, That the several and respective Surveyors of the Highways for the Time being of the several

Township Surveyors to give Notice to Persons to do their Statute-work;

and respective Parishes or Places, shall yearly and every Year, during the Continuance of this Act, within Fourteen Days after Notice in Writing shall be given to him or them, or left at his or their usual Place or Places of Abode, under the Hands of any Seven or more of the said Trustees, signed at any such Meeting to be had as aforesaid, summon or give publick Notice to and for all and every Person and Persons chargeable within their several and respective Parishes and Places, to do and perform such Part of their Statute-work on the said Road directed to be repaired by this Act, leading through their said several and respective Parishes and Places, as shall be appointed as aforesaid; and shall, on the Days so appointed by such Notice, give their Attendance, and see and take Care that all and every Person and Persons so chargeable as aforesaid, do and perform the said Work, as by Law and such Appointment they are required, and on such Parts of the said Road within their respective Parishes or Places, as the said Trustees, or any Seven or more of them, at any such Meeting to be had as aforesaid, shall direct; and such Parish Surveyor or Surveyors shall, within Ten Days after Demand in Writing given to or left for him or them as aforesaid, under the Hands of any Seven or more of the said Trustees, give and deliver unto such Person or Persons as they the said Trustees, or any Seven or more of them, at any such Meeting to be had as aforesaid shall appoint, a true List according to the best of his or their Knowledge, and upon Oath if thereunto required (which Oath any Justice of Peace for the said East Riding or Town and Corporation of *Beverley* is hereby impowered to administer) of all and every Person and Persons in their several and respective Parishes and Places, who have neglected to do and perform such Part of their Statute-work as aforesaid, and what he or they are respectively chargeable with; and if any such Parish Surveyor or Surveyors shall neglect or refuse to do as he or they are hereby required and directed, he and they for every such Neglect or Refusal, shall forfeit and pay the Sum of Five Pounds; and if any Person or Persons keeping a Team or Teams, Draught or Draughts, and chargeable towards repairing the said Road, shall, after such Summons or Notice as aforesaid, neglect or refuse to send their respective Teams or Draughts to do and perform such Part of their said Statute-work as shall be determined and appointed to be done on the said Road directed to be repaired by this Act, leading through their said several and respective Parishes and Places as aforesaid, he, she, or they, so neglecting or refusing, shall forfeit and pay the Sum of Ten Shillings for every Team or Draught so making Default each Day; and if any Labourer, or other Person or Persons so chargeable towards repairing the said Road or Highway, shall at any Time neglect or refuse (after such Summons or public Notice as aforesaid) to do and perform such Part of their said Statute-work as shall be appointed to be done as aforesaid on the said Road or Highway, he, she, or they shall respectively forfeit or pay the Sum of One Shilling and Six Pence for each of the said Days such Labourer or other Person or Persons shall so make Default.

and attend the
doing it.

List to be given
of Persons liable
to perform the
same;

who on Refusal
or Neglect may
be punished.

Penalties and
Forfeitures when
recovered,

And be it further Enacted, by the Authority aforesaid, That all Forfeitures and Penalties by this Act imposed on any Parish Surveyor or Surveyors

for neglecting or refusing to do as by this Act he or they are required, or on any Person or Persons neglecting or refusing to send their respective Teams or Draughts, or on any Labourer or other Person or Persons so liable or chargeable as aforesaid for neglecting or refusing to do and perform such Part of their Statute-work on the said Road or Highways as is required to be done by this Act, shall be recovered and levied by Distress and Sale of the Offender's Goods and Chattels by Warrant to be directed to the Constable or Headborough of the Parish or Place where such Offender resides, under the Hands and Seals of Two or more Justices of the Peace for the said Riding or Town and Corporation of Beverley, within whose Jurisdiction respectively such Offender shall happen to reside, upon Application in Writing made to them by any Seven or more of the Trustees appointed or to be appointed to put this Act in execution, by and upon the Oath or Oaths of the said Parish Surveyor or Surveyors, or any other credible Witness or Witnesses (which Oath or Oaths the said Justices are hereby empowered to administer): And the said Forfeitures and Penalties when recovered, after rendering the Overplus (if any be, and demanded) to the Party or Parties whose Goods and Chattels shall be so distrained and sold, the Charges of such Distress and Sale being first deducted out of such Overplus, shall be paid to the said Trustees at a General Meeting of Seven or more of them, or to such Person or Persons as shall be by them appointed; and shall go and be applied and laid out for and towards amending and repairing the said Road by this Act directed to be amended and repaired, and to or for no other Use or Purpose whatsoever.

to be laid out in repairing the Road.

Provided always, and be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, at any such Meeting to be had as aforesaid, from time to time, during the Continuance of this Act, to compound or agree with the Inhabitants of any of the Parishes, Townships, Hamlets, or Places, to which the said Road belongs, or with any of the Owners or Occupiers of Lands or Tenements which are or shall be liable or chargeable towards repairing any Part of the said Road, for a certain Sum of Money, or otherwise, by the Year, as the said Trustees, or any Seven or more of them, at any such Meeting to be had as aforesaid, shall think reasonable, in Lieu of the Statute-work to be done by such Parish or Parishes, Township or Townships, Hamlet or Hamlets, Place or Places, or by such Occupier or Occupiers of such Lands or Tenements chargeable as aforesaid.

Power to compound with Parishes,

Provided also, and be it further Enacted, by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at any Meeting to be had as aforesaid, may and they are hereby empowered, from time to time, as they shall think fit, to compound or agree, by the Year or otherwise, with any Person or Persons using to travel through the Turnpike or Turnpikes to be erected with any Coach, Berlin, Landau, Chariot, Calash, Chair, Chaise, Waggon, Wain, Cart, or other Carriage, Horse, Gelding, or Mare, Ass, or Mule, for any Sum or Sums of Money, for and in

and with Travellers.

in lieu of Payment of any of the said Tolls or Duties to be paid Quarterly from time to time, after such Agreement shall be made.

Power to recover
Composition-
money.

Provided always, and be it Enacted, by the Authority aforesaid, That in case any Composition-money, agreed to be paid for passing through all or all of the said Turnpikes or Gates to be erected by virtue of this Act, shall be Toll-free, or in lieu of any Statute or Days Works to be done by the Occupiers of any Lands or Tenements, within or by the Inhabitants of any Parish or Parishes, Township or Townships, Hamlet or Hamlets, Place or Places, through which the said Road hereby intended to be amended doth lead, shall not be paid within Fourteen Days next after the same shall become due and payable, according to such Composition or Agreement (being demanded) that then it shall and may be lawful for the said Trustees, or any Seven or more of them, upon Oath made before them in case of such Default of Payment (which Oath they, or any Two or more of them are hereby empowered to administer) to issue a Warrant under their Hand and Seals, empowering any Person or Persons by the said Trustees, or any Seven or more of them, at any such Meeting as aforesaid appointed or to be appointed to receive such Composition-money, to levy the same by Distress and Sale of the Goods and Chattels of such Person or Persons who hath or have or shall make such Composition for passing through all or any of the said Turnpikes Toll-free as aforesaid, or of the Person or Persons who shall so compound for or in respect of the said Statute or Days Works, or of the Surveyor or Surveyors of the Highways for the Time being of such Parish, Township, Hamlet, or Place, in respect of whose Statute or Days Works such Composition shall be made, returning the Overplus, if any, Demand, after the Charges of such Distress and Sale shall be thereout deducted; which Money so to be paid or levied shall go and be applied and towards amending the Road hereby intended to be repaired.

Surveyors paying
Composition, &c.
how to be reim-
bursed.

Provided also, and it is hereby Enacted, by the Authority aforesaid, That if any Surveyor of the Highways of or for such Parish, Township, or Hamlet, for which any Composition shall be so made for any Statute or Days Work as aforesaid, shall pay the Composition-money, or in case no Composition-money shall be levied on him in the Manner herein before provided, all and every such Surveyor and Surveyors shall and may be reimbursed the Composition-money he shall so pay, or which shall be so levied on him, together with the Charges of levying the same, in such Manner as by the Laws now in being Surveyors of the Highways of this Kingdom are to be reimbursed the Monies by them expended in buying Materials for amending the said Highways.

Drains, &c. to be
repaired by Per-
sons liable before
the Act.

And be it further Enacted, That such Bridges, Drains, Cloughs, and Sewers, lying and being in the said Road, which have been heretofore ought to be maintained, repaired, and kept in Repair by any particular Person or Persons, or Corporation by reason of the Tenure of any Manors, Lands, Tenements, or Hereditaments liable to such Repairs or otherwise, shall, from time to time, be repaired, maintained, and kept in Repair, by the Owner thereof.

Owners of such particular Land, or by such Corporation liable to the said Repairs; any thing herein contained to the contrary notwithstanding.

And be it further Enacted, by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed or incurred, touching which no Provision is by this Act made, shall be recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant or Warrants under the Hands and Seals of Two or more of his Majesty's Justices of the Peace of or for the said East Riding or Town and Corporation of *Beverley* aforesaid respectively, as such Penalties and Forfeitures shall happen to be incurred within their several Jurisdictions; which Warrant or Warrants the said Justices are hereby impowered and required to issue upon the Information of One or more credible Witness or Witnesses upon Oath (which Oath the said Justices are hereby impowered and required to administer without Fee or Reward) and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) upon Demand, to the Party or Parties whose Goods or Chattels shall be so distrained and sold, the Charges of such Distress and Sale being first deducted, shall go and be applied and laid out (if not otherwise applied or disposed of by this Act) for and towards amending the said Road hereby intended to be repaired.

Direction for recovering Penalties; and Application.

And be it further Enacted, That the Right, Interest, and Property, of all and every the Turnpikes and Toll-houses which shall be erected by virtue of this Act, shall, during the Continuance thereof, be vested in the Trustees appointed or to be appointed to put this Act in Execution; and that they, or any Seven or more of them, at any of their publick Meetings, shall and they are hereby authorized and impowered to dispose thereof as they shall think proper; and in their Names, or in the Names of any Seven or more of them, or in the Name or Names of the Clerk or Clerks, Treasurer or Treasurers, for the Time being, to bring Actions against any Person or Persons who shall disturb them in the Enjoyment of the Property thereof; or to prefer and prosecute Bills of Indictment against any Person or Persons who shall steal, take away, break down, or spoil such Turnpikes or Toll-houses, or any of them, or any Part of them, so to be erected and built as aforesaid.

Turnpikes and Toll-houses vested in Trustees.

Provided always, and it is hereby further Enacted, That the said Trustees, or any Seven or more of them, shall and may cause the Road (by this Act directed to be amended) to be measured, and Stones or Posts to be erected thereon, or in or near the Sides thereof, at the Distance of One Mile each from the other, in order to mark or denote the Distances of any one Town or Place from any other Town or Place, as to the said Trustees shall seem meet: And if any Person or Persons shall voluntarily or maliciously break any of the Stones or Posts, or any Part thereof, which shall be so erected and set up, or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraved or inscribed thereon, and shall be convicted thereof by the Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, be-

Mile-Stones to be erected.

Penalty, how
to be applied.

If Offender has
no Goods, to be
committed.

Trustees may
lessen the Tolls.

Commencement
and Continuance
of this Act:

But if the Road
be sooner repair-
ed, and the bor-
rowed Money re-
paid, the Tolls
to cease.

fore One or more of the Justices of the Peace for the said Riding or Town and Corporation of *Beverley* aforesaid, every such Person so offending shall forfeit and pay the Sum of Forty Shillings, to be levied by Distress and Sale of the Goods and Chattels of every such Offender by Warrant under the Hand and Seal, or Hands and Seals, of the Justice or Justices before whom such Conviction shall be made; such Forfeitures to be applied in repairing the Stones or Posts so broke or defaced, or in supplying new ones in their stead; and if there shall be any Overplus of such Forfeitures the same shall be laid out in repairing the said Road: And in case the Person or Persons so offending and convicted shall have no Goods or Chattels, then it shall and may be lawful to and for any One or more of such Justice or Justices for the said East Riding or Town and Corporation of *Beverley*, by Warrant under his Hand and Seal, or their Hands and Seals, to commit such Person or Persons to the common Gaol of the said County of *York*, or to the common Gaol of the said Riding or Town, for the Space of One Calendar Month; and such Person or Persons shall not be discharged until he or they shall have paid the said Sum of Forty Shillings, or until the Expiration of the said One Month.

Provided always, and it is hereby Enacted and Declared, by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby authorized and empowered from time to time, when and as they shall see Occasion, to lessen or reduce the several Tolls and Duties hereby laid and granted, and to order and direct the same to be collected, received, and taken, in such Manner, Parts, and Proportions as they shall think fit; so as such Reduction be no Prejudice to, or be with the Consent of, the several Persons who shall have advanced Money on the Credit of the said Tolls, or any of them, or any Person or Persons who at the time of such Reduction shall have any Money secured thereby; any thing herein contained to the contrary notwithstanding.

And be it further Enacted, by the Authority aforesaid, That this Act, and all the Tolls, Duties, and Powers hereby granted and given, shall take Place from and after the Twenty-fifth Day of *March* One thousand Seven hundred and Sixty-one, and shall continue and be in Force and be paid from thence for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament: But if at any time before the Expiration of the said Term the Road hereby directed to be repaired shall be sufficiently repaired, and so adjudged by the Justices of the Peace for the said East Riding and Town and Corporation of *Beverley*, at their respective General Quarter-Sessions to be holden for the said Riding and Town and Corporation of *Beverley* respectively; that then, and from and after such Adjudication made, and Repayment of all such Money as shall have been borrowed on the Credit of the said Tolls and Duties hereby granted, with Interest for the same, and the Costs and Charges thereof and of obtaining this Act, all the said Tolls, Duties, and Powers hereby granted and given shall cease and determine; any thing herein contained to the contrary notwithstanding.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the Justices of the Peace for the said East Riding and Town and Corporation of *Beverley* respectively, at any of their respective General Quarter-Sessions to be holden for the said Riding or Town and Corporation, after the said Twenty-fifth Day of *March* One thousand Seven hundred and Sixty-one, if they think fit, to appoint One or more fit Person or Persons to survey and view the Road by this Act directed to be amended, and to inquire of and concerning the Tolls and Duties taken and received in pursuance of this Act, and the Application thereof; and in case such Person or Persons so appointed shall find any Misapplication of the Monies which shall be raised and levied by this Act, or any other Abuses of the Powers and Authorities hereby given, such Person or Persons shall thereupon certify the same to the said Justices of the Peace of the said Riding or Town and Corporation respectively, who are hereby authorized, empowered, and required to hear, examine, and finally determine the same (the said respective Justices determining only touching such Misapplications or Abuses as shall happen within their respective Jurisdictions) without further or other Appeal: And all such Sum or Sums of Money or other Satisfaction as the said respective Justices at any of their respective Quarter-Sessions to be holden as aforesaid, or the major Part of them then present, shall thereupon think fit to order and direct to be paid or given, shall, by the Person or Persons making such Misapplication or committing any such Abuses, and so ordered to pay, be paid to the Treasurer of the Turnpike or Turnpikes for the Time being, within Ten Days next after such Determination and Demand thereof made; and in Default thereof it shall be lawful for the said respective Justices at their respective General Quarter-Sessions, or the major Part of them then present, from time to time, after such Determination made, by Warrant to levy the same by Distress and Sale of the Offender's Goods, returning the Overplus (if any be) upon Demand, after deducting all Costs and Charges of such Distress and Sale, to the Person or Persons so neglecting to make such Payment and Satisfaction; and for Want of sufficient Distress to be found for that Purpose, to commit the Person or Persons to the common Gaol of the County of *York*, or of the said Riding or Town and Corporation of *Beverley*, as the respective Jurisdictions of the said respective Justices shall require, and they shall respectively think fit, there to remain without Bail or Mainprize till Payment and Satisfaction shall be made as aforesaid.

Justices may appoint a Person to inspect the Road.

And be it further Enacted and Declared, by the Authority aforesaid, That if any Trustee or Trustees appointed or to be appointed to put this Act in Execution, is, are, or shall be in the Commission of the Peace for the said East Riding or the said Town and Corporation of *Beverley*, such Trustee and Trustees shall and may act as a Justice or Justices of the Peace within their respective Jurisdictions for the effectual putting in Execution the several Authorities and Powers given in and by this present Act, notwithstanding they are or shall be Trustees as aforesaid.

Trustees may act as Justices.

And,

Power to choose
new Trustees.

And, for continuing a sufficient Number of Trustees to put this Act in Execution, **Be it further Enacted**, by the Authority aforesaid, That when and as often as any Trustee or Trustees shall die, remove, or refuse to act, or become an Alderman of the Town of *Beverley* aforesaid, it shall and may be lawful for the surviving and remaining Trustees, or any Seven or more of them, at any such Meeting to be had aforesaid, by any Writing or Writings under their Hands and Seals, from time to time, during the Continuance of the Term hereby granted, to elect, nominate, and appoint One or more fit Person or Persons living in the said East Riding, in the Room or Place of such Trustee or Trustees so dying, removing, or refusing to act, or becoming an Alderman as aforesaid; and such Person or Persons so elected, nominated, and appointed shall be joined with such surviving or remaining Trustees in the Execution of all and every the Powers in them reposed by virtue of this Act; but Notice of the Time and Place of Meeting for the Election of such new Trustee or Trustees shall be given in Writing, signed by the Clerk to the Trustees, to be fixed at or on the Turnpike or Turnpikes which shall be erected by virtue of this Act, at least Fourteen Days before the Meeting for such Election: And all and every such Person and Persons as shall be chosen and appointed to be joined with such surviving or remaining Trustees, shall and may and they are hereby authorized and impowered to act, to all Intents and Purposes, in as full, large and ample Manner as the said Trustees nominated and appointed by this Act are hereby authorized and impowered to act and do.

Qualification of
Trustees.

Provided always, and be it further Enacted, That no Person shall be capable of acting as a Trustee in any Case for putting this Act in Execution unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents or Profits of Lands, Tenements, or Hereditaments, which are or shall be assessed at any pay to the Land Tax for the yearly Value of Fifty Pounds or more, or shall be Heir Apparent to some Person or Persons having an Estate of the yearly Value of Two hundred Pounds; and if any Person or Persons hereby made incapable to act as Trustee or Trustees for the Causes aforesaid, shall nevertheless act contrary to the true Intent and Meaning of this Act, every such Person or Persons for every such Offence shall forfeit and pay the Sum of Fifty Pounds to any Person or Persons who will inform or sue for the same, to be recovered in any of his Majesty's Courts of Record by Action of Debt, or in the Case, Bill, Complaint, or Information wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

First Meeting of
Trustees.

And be it further Enacted, by the Authority aforesaid, That the Trustees aforesaid, or any Seven or more of them, shall meet together at the House of *John Todd*, being the Sign of the *Tiger*, in the said Town of *Beverley* on the Ninth Day of *April* One thousand Seven hundred and Sixty-one and shall then adjourn themselves to the same Place, or to such other Place within the said Town or near the said Road, and to such Time as the said Trustees

Trustees then present, or any Seven or more of them, shall appoint; and so from time to time the said Trustees at every of their said Meetings shall adjourn themselves as they, or any Seven or more of them present at such Meeting, shall think proper for putting this Act in Execution: And if it shall happen that there shall not appear at any Meeting which shall be appointed by the said Trustees a sufficient Number of Trustees to act at such Meeting, and to adjourn to any other Day, then, and in such Case, the Clerk to the said Trustees, by Notice in Writing under his Hand to be fixed on all the Turnpike Gates to be erected by virtue of this Act at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the House or Place where the last Meeting of the said Trustees was appointed to be held, on that Day Three Weeks on which such last Meeting of the said Trustees was appointed to be held: And that the said Trustees at their First and at all their subsequent Meetings shall defray their own Charges and Expences.

Provided always, and it is hereby Declared and Enacted, That no Person or Person appointed or to be appointed a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of or by reason of any of the Tolls or Duties by this Act granted and made payable; but such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Time of his and their accepting, and during his and their Enjoyment of such Place of Profit as aforesaid.

No Trustee to hold any Place under this Act.

And be it further Enacted, That if any Person or Persons during the Continuance of this Act shall hale or draw, or cause to be haled or drawn, upon, in, or along the Road by this Act intended to be repaired or any Part thereof, any Tree or Trees, or Piece or Pieces of Wood or Timber (otherwise than and except upon Wheels or Carriages) every such Person or Persons for every such Offence shall forfeit and pay the Sum of Ten Shillings.

No Timber to be drawn except on Wheels.

Provided always, and be it Enacted, by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgment, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any Power or Authority hereby vested in such Trustees or Justice of the Peace, or any of them, shall be charged or chargeable with any Stamp or Duty whatsoever:

Writings to be without Stamps.

And, to the End no Disputes may arise touching what Part of the said Road intended to be repaired shall be first amended, Be it Declared and Enacted, That the said Trustees for putting this Act in Execution, or any Seven or more of them, shall order and direct That Part of the said Road

What Part of the Road shall be first repaired.

from the said Two Stone Pillars at *Norwood End* in *Beverley* aforesaid to the Bridge over the River *Hull*, commonly called *Hull-Bridge*, to be repaired in the First Place; and after such Part of the said Road shall be sufficiently amended, the said Trustees, or any Seven or more of them, at any of their Meetings to be had as aforesaid, shall order the other Parts of the said Road to be repaired and amended, in such Order and Course as they shall think fit or most necessary until the whole Road shall be repaired. And the said Trustees are hereby impowered and required to order and direct the Money arising or to arise by virtue of this Act, to be laid out and applied in amending the said Road in such Manner and Course as aforesaid.

Proceedings of
Trustees to be
entered in a
Book :

Which Book is
to be Evidence.

And it is hereby further Enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose; and such Orders so entered and signed by the said Trustees, or any Seven or more of them, as the Case shall require, shall be deemed and taken to be original Orders: Which said Book or Books, and also the said Book or Books directed to be kept for Registering the said Assignments and Transfers, shall and may be produced and read in Evidence in all Cases of Appeals, Suits, or Actions touching any thing done in pursuance and by Authority of this Act.

Power of Appeal

Provided also, and it is hereby further Enacted, by the Authority aforesaid, That in case any Collector or Collectors, Receiver or Receivers or other Person or Persons, shall think him, her, or themselves aggrieved by any thing done in pursuance of this Act, and for which no particular Remedy or Method of Relief hath been already hereby directed and appointed, it shall and may be lawful to and for him, her, or them to appeal to the Justices of the Peace at their next General Quarter-Sessions of the Peace to be held for the said East Riding or the said Town and Corporation of *Beverley*, in whose Jurisdiction respectively the Cause of Complaint shall happen to arise; or in case the said Cause of Complaint shall arise within Fifteen Days next before such General Quarter-Sessions of the Peace then such Appeal may be to the said Justices at the Second General Quarter-Sessions of the Peace to be held for the said Riding or Town respectively who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint or Complaints of any Person or Persons so aggrieved; and if they see Cause, shall and may by Order of such Sessions mitigate at their Discretion all or any of the Penalties and Forfeitures laid on or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify and confirm the same, with such Costs as they in their Judgment shall think proper, and to levy by their Order or Warrant such Costs so awarded by Distress and Sale of the Goods and Chattels of any Person or Persons who shall refuse to obey the same, and for want of sufficient Distress to commit the Party to the common Gaol of the said County, or of the said Riding or Town wherein such Cause of Complaint shall arise, for any time not exceeding Three Months, or until Payment of such Costs shall be made: But the Person or Persons so appealing

giving Notice.

pealing as aforesaid shall and they are hereby respectively directed to give Notice in Writing to the Treasurer or Treasurers for the Time being of the Tolls and Duties granted by this Act, of such their Intention of bringing or prosecuting any Appeal Twenty Days before the said Quarter-Sessions; and shall, within Five Days after such Notice given, enter into a Recognizance before some Justice of the Peace of the said East Riding or Town of *Beverley* aforesaid where the said Offence shall happen to be committed, with Two sufficient Sureties, with Condition to try such Appeal at such Quarter-Sessions of the Peace as aforesaid; and also in case such Appeal shall be disallowed, to pay such Costs and Charges as the said Justices shall direct in that Behalf; and every such Appeal shall at the then next General Quarter-Sessions be there heard and finally determined.

Provided always, and be it further Enacted, by the Authority aforesaid, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this present Act, shall be quashed or vacated for want of Form only, or be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary thereof in any wise notwithstanding.

Proceedings not to be quashed for want of Form.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from time to time, by Writing under their Hands and Seals, to demise, lease, and to Farm lett, all the Tolls or Duties by this Act granted, or any Part of such Tolls or Duties, to any Person or Persons from Year to Year, for the best Price such Trustees can get, payable at such Times and under such Covenants as they the said Trustees, or any Seven or more of them, shall at any of their General Meetings think fit, and to be paid to the said Trustees, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall appoint to receive the same; which Money so to be paid shall be applied and disposed of as the Tolls or Duties granted by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Power to lett the Tolls.

Provided always, and be it further Enacted, by the Authority aforesaid, That if any Action or Suit shall be brought or prosecuted against any Person or Persons for any thing to be done in pursuance of this Act, every such Action or Suit shall be commenced within Six Months next after the Fact committed and not afterwards; and shall be laid and brought in the said County of *York*, and not elsewhere: And the Defendant or Defendants in such Action or Suit to be brought shall and may plead the General Issue, not Guilty, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in Pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the time before limited for bringing the same, or shall be brought in any other County;

Limitation of Actions.

General Issue;

Treble Costs.

County ; then, and in such Case or Cases, the Jury shall find for the Defendant or Defendants ; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuited, or discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared ; or if, upon a Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs upon Affidavit made, or Certificate of the Judge or Judges before whom such Cause shall be tried, whereby it may appear that such Suit was prosecuted against such Defendant or Defendants for any Matter contained in this Act ; and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in any other Case by Law.

Publick Act.

And be it further Enacted, by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a public Act ; and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

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FOR

Repairing and Amending the Road leading from
Whitcroft, in the Parish of Leven in Holderness
in the East Riding of the County of York
to the Town of Beverley in the said County.

[1761.]

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